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5/16/85

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File 4840
GM RI/FS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

FILE

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IN THE MATTER OF

ADMINISTRATIVE ORDER

GENERAL MOTORS CORPORATION

Index No. II CERCLA-50201

Respondent,

Proceeding Under Section 106(a)
of the Comprehensive Environ-
mental Response, Compensation
and Liability Act (42 U.S.C.
§9606(a))

RECEIVED

MAY 06 1985

DIRECTOR'S OFFICE
DIVISION OF SOLID AND
HAZARDOUS WASTE

-----X
JURISDICTION

The following Administrative Order on Consent (ORDER) is entered into with General Motors Corporation (Respondent) pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9606(a), which authority was delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order 12316, August 20, 1981, 46 Fed. Reg. 42237, and redelegated to the Regional Administrator, Region II. Pursuant to Section 106(a) of CERCLA, the State of New York has previously been notified of this ORDER.

FINDINGS

1. The Respondent is a person as defined in Section 101(21) of CERCLA, 42 U.S.C. §9601(21), and is an owner/operator and a responsible party under Sections 107(a)(1) and (2) of CERCLA, 42 U.S.C. §§9607(a)(1) and (2).

2. General Motors Corporation (GM) owns and operates an aluminum casting plant situated in the Town of Massena, St. Lawrence County, New York State. The property is bordered on the north by the St. Lawrence River, on the east by the St. Regis Indian Reservation, on the south by the Raquette River, and on the west by the Reynolds Metals Company and Railroad properties. The plant and its surrounding property constitute a

facility, as that term is defined in Section 101(9) of CERCLA, 42 U.S.C. §9601(9), hereinafter referred to as "the site" or "the facility".

3. The facility, in operation since 1959, die-casts molten aluminum into various automotive parts, such as manifolds, transmission casings, and pistons. The facility uses hydraulic fluid in its die-casting machines. The die-casting machines generate unusually high pressures causing leakage of hydraulic fluid. Fluids leaking from the machines run into drains which connect to the facility's wastewater treatment system.

4. From 1959 to 1974, the facility used fire-resistant polychlorinated biphenyl (PCB)-based hydraulic fluids in its die-casting machines.

WASTE DISPOSAL PRACTICES

5. The facility's wastewater treatment system generated PCB-contaminated wastewater sludge. Several on-site areas were used for the disposal of PCB-contaminated sludges and other process waste byproducts. These areas include the North Disposal Area, East Disposal Area, and the Industrial Landfill.

SLUDGE AND SOIL SAMPLES

6. PCB-contaminated sludges and PCB-contaminated hydraulic fluid were deposited in the North or East or both Disposal Areas. Based on GM's reports:

- a. Analysis of sludge and soil samples taken from a section of the North Disposal Area revealed total PCB concentrations ranging from 0.1 to 36,000 parts per million (ppm) from 9 to 95 feet below the surface.
- b. Analysis of sludge samples taken from a section of the East Disposal Area revealed total PCB concentrations ranging from 0.2 to 41,500 ppm from the surface to 17 feet below the surface. Total phenol concentrations in sludge samples ranged from 54.3 to 890 ppm from the surface to 17 feet below the surface.

7. Based on GM's reports, the Industrial Landfill has received waste materials containing, but not necessarily limited to phenol formaldehyde, triethylamine, trichloroethylene, PCB-contaminated hydraulic fluids, PCB-contaminated sludges, PCB-contaminated articles, and various solvents and degreasers. This information is contained in Table 2-2 of the detailed Work Plan (Appendix I).

GROUNDWATER QUALITY

8. Analysis by GM of samples drawn from 28 on-site groundwater monitoring wells revealed PCB concentrations ranging from 0.02 micrograms per liter (ug/l) to 1500 ug/l and phenol concentrations ranging from 0.01 milligrams per liter (mg/l) to 312 mg/l. In addition, analysis of private drinking water wells situated on the St. Regis Indian Reservation performed by the New York State Department of Health revealed PCB concentrations ranging from 0.13 ug/l to 0.7 ug/l.

SURFACE WATER RUNOFF

9. Analysis by GM of samples of bottom sediments and surface, mid-depth, and bottom waters of an on-site lagoon showed concentrations of PCBs ranging from less than 5 parts per billion (ppb) to 3500 ppb. According to New York State Department of Environmental Conservation (NYSDEC) records, the lagoon overflows periodically into the St. Lawrence River. NYSDEC records from 1982-1984 indicate that during periods of wet weather overflow, the discharge from the lagoon contained PCB levels ranging from 2.0 to 11.4 ppb.

RIVER WATER QUALITY

10. Analyses of surface water samples taken in 1983 from an unnamed tributary at its confluence with the St. Lawrence River downstream of the GM site by the NYSDEC revealed total PCBs at a concentration of 0.77 ug/l. The unnamed tributary drains the East Disposal Area and the Industrial Landfill.

SEDIMENT STUDIES

11. Analyses of sediments in the unnamed tributary at its confluence with the St. Lawrence River downstream of GM near the St. Regis Indian Reservation by the NYSDEC revealed total PCBs at a concentration of 20.9 ug/g.

HYDROLOGY

12. Groundwater is believed to flow from the facility towards the east and the St. Regis Indian Reservation. Groundwater is used on the St. Regis Indian Reservation as a source of drinking water. There is a minimum of thirty private drinking water wells in the area adjacent to the facility. These wells include the private drinking water wells referenced in Paragraph 8 above. In addition, there is one public water supply well further east at the end of Raquette Point near the confluence of the St. Lawrence and Raquette Rivers.

13. Surface runoff from the facility will flow either to

the St. Lawrence or Raquette Rivers. There are two public water supply intakes downstream of the facility which utilize water from the St. Lawrence River.

HEALTH IMPACTS

14. The information about chemical contaminants disposed of on the facility and the off-site migration of these contaminants, documented by NYSDEC, raise concerns for possible adverse health effects for the Akwesasne Mohawk community, residents of the St. Regis Indian Reservation.

15. Triethylamine, trichloroethylene, and PCBs are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. §9601(14).

16. The presence of hazardous substances at the facility, and their migration to soils, surrounding groundwater and surface water, constitute a release within the meaning of Section 101(22) of CERCLA, 42 U.S.C. §9601(22).

17. On November 28, 1980, the EPA published a Water Quality Criteria Document, at 42 Fed. Reg. 79318 et seq. The document states, on page 79339;

"...[f]or the maximum protection of human health from the potential carcinogenic effects due to exposure of PCBs through ingestion of contaminated water and contaminated aquatic organisms, the ambient water concentration should be zero based on the non-threshold assumption for this chemical...."

18. The New York State Department of Health has established a Specific Guideline limiting total PCBs in drinking water to 1.0 ug/l.

19. Previous storage and other waste handling practices by GM have resulted in the on-site contamination of groundwater, surface water and soils and off-site contamination of groundwater, surface water and sediments in the area. The groundwater and surface water concentrations exceed those concentrations specified in the above referenced EPA Criteria Document and New York State regulations.

20. The GM facility is on the National Priorities List of sites with known releases or threatened releases promulgated pursuant to Section 105(8)(B) of CERCLA, 42 U.S.C. §105(8)(B).

21. In order to determine the nature and extent of the release and threatened release at the site, and to select an

appropriate remedial alternative, a remedial investigation and feasibility study (RI/FS) must be conducted in conformance with the National Contingency Plan, 40 CFR Part 300. The Work Plan appended hereto and labelled Appendix I has been prepared for use by GM in performing the RI/FS.

DETERMINATION BY THE REGIONAL ADMINISTRATOR

22. Based on the above Findings, and the entirety of the Administrative Record, and pursuant to Section 106(a) of CERCLA, the Regional Administrator has determined that the release and threatened release of one or more hazardous substances from the facility may present an imminent and substantial endangerment to the public health and welfare and the environment.

ORDER

23. Based on the foregoing, it is hereby Ordered and Agreed that the Respondent shall undertake remedial action at the facility in accordance with the requirements specified below. All activities performed pursuant to this ORDER shall be completed as soon as possible even though maximum time periods for their completion may be specified herein or in the Work Plan.

I. REMEDIAL INVESTIGATION

A. According to the schedule presented in the detailed Work Plan, Respondent shall submit to EPA for review and approval a detailed Site Operations Plan for the performance of a Remedial Investigation (RI) in conformance with the National Contingency Plan and Appendix I of this ORDER. The Site Operations Plan shall fully describe how those activities called for in Appendix I will be implemented, and shall include but should not necessarily be limited to the items in Task 6 (Site Operations Plan) of Appendix I and items 1 through 10, below:

1. a map depicting all sampling locations;
2. the number and types of samples to be obtained at each sampling location;
3. the overall management plan, including identification of contractors and subcontractors and their respective responsibilities for performance of the specific tasks set forth in Appendix I;

4. a detailed schedule for performance of the specific tasks;
 5. a Quality Assurance/Quality Control (QA/QC) plan for all investigations to be performed [the QA/QC plan shall be completed in accordance with Section 10 of the publication, Test Methods for Evaluating Solid Waste (SW-846) and the guidance appended hereto and labelled Appendix II];
 6. provision for completing a QA/QC evaluation of laboratory data and sampling and analytical procedures used for each sample obtained within 2 weeks of completion of laboratory analyses;
 7. a description of the chain of custody procedures to be followed, which shall conform to those set forth in Section 1.3 of SW-846;
 8. a Health and Safety plan;
 9. a Contingency plan for conducting site activities;
- and
10. the curriculum vitae of all professionals expected to participate in the RI, and a description of the responsibilities and the anticipated levels of effort of each such professional.

B. EPA will review and comment on the Site Operations Plan. EPA will address its comments to the conformance of the Site Operations Plan with sound management, engineering and scientific practices; technological feasibility; and established environmental monitoring procedures. Within 21 days of GM receipt of the EPA comments, GM shall amend the Site Operations Plan as required by those comments or as otherwise approved by EPA and submit the modified document to EPA. EPA remains the final arbiter in any dispute regarding the sufficiency of the Site Operations Plan. At such time as EPA determines that the Site Operations Plan is acceptable, EPA will transmit to GM a written statement to that effect.

C. Respondent shall perform the RI in conformance with the approved Site Operations Plan and the Work Plan pursuant to the schedule set forth in the Work Plan. Respondent shall complete all activities specified therein and shall submit to EPA for review and approval, a report detailing the results of the remedial investigation (RI Report).

D. EPA will review and comment on the RI Report. Within 45

days of the receipt of such EPA comments, GM shall amend the RI Report as required by those comments or as otherwise agreed upon by EPA. Such amendments may require GM to perform additional studies as found necessary by EPA. At such time as EPA determines that the RI Report is acceptable, EPA will transmit to GM a written statement to that effect.

II. FEASIBILITY STUDY

A. Respondent shall perform the Feasibility Study (FS) in conformance with the Work Plan pursuant to the schedule set forth in the Work Plan. Respondent shall submit to EPA for review an Interim Feasibility Study Report (Interim FS Report) which shall include a recommended remedial alternative. EPA will review and comment on the Interim FS Report.

B. Within 21 days of receipt of EPA comments on the Interim FS Report, Respondent shall modify that report as may be necessary to conform with such comments and submit the modified report to EPA for approval, and /or shall initiate such additional engineering evaluations as EPA finds necessary, in accordance with a schedule set forth by EPA. The Interim FS Report, as amended, also shall contain a conceptual design for the proposed remedial action, as described in Appendix I, Task 13. The Interim FS report, as amended shall constitute the Draft Feasibility Study Report (Draft FS Report).

C. Following submittal of the Draft FS Report, EPA will announce the availability of both the RI Report and the Draft FS Report to the public for review and comment. Following the public comment period (which may involve both written and oral comments), EPA will determine if the reports should be modified or accepted as submitted, and will also notify GM in writing. Within 35 days of receipt of EPA's determination, or within such other period of time as may be approved by EPA, GM shall modify either or both of the reports (which may entail a change in the recommended remedial alternative) as directed by EPA or as otherwise approved by EPA and submit the modified document(s) to EPA. EPA policy and guidance in effect at the time such public comment period is initiated shall govern the procedures to be followed. EPA remains the final arbiter in any dispute regarding the sufficiency of both the RI and FS Reports.

24. Samples and Reports

A. Upon request by EPA, Respondent shall provide EPA or its designated representative with duplicate and/or split samples of any samples collected in furtherance of work performed in accordance with this ORDER.

B. The Respondent shall provide monthly written progress reports to EPA. At a minimum these progress reports shall: (1) describe the actions which have been taken toward achieving compliance with this ORDER, (2) include all results of sampling and tests and all other data received by the Respondent, and (3) include all plans and procedures completed subsequent to EPA approval of the RI/FS Work Plan during the past month as well as such actions and plans which are scheduled for the next month. These reports are to be submitted to EPA by the tenth day of each month following the effective date of this ORDER.

C. Respondent shall give EPA seven (7) days advance notice of the expected activities that were not reported under B. (3) above. This is to include all monitoring and sampling activities, including but not limited to drilling, installation, and testing of monitoring wells and all on-site and off-site sampling activities.

D. EPA and the Respondent agree that each shall preserve, during the pendency of this ORDER and for a minimum of six (6) years after its termination, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys which relate in any way to the Site, despite any document retention policy to the contrary. After this six year period, the Respondent shall notify EPA within 30 days prior to the destruction of any such documents. Upon request by EPA, the Respondent shall make available to EPA such records or copies of any such records.

E. All records prepared or compiled by Respondent and delivered to EPA in the course of implementing this ORDER will be available from EPA to the public unless identified as confidential by Respondent in conformance with 40 CFR, Part 2. Furthermore, it is understood by the parties that EPA may release all such records to NYSDEC and NYSDEC may make those records available to the public unless Respondent conforms with appropriate New York law and regulations regarding confidentiality. Records so identified shall be treated as confidential only in accordance with the applicable confidentiality regulations. Sampling and other monitoring data, and hydrological and geological information, may not be considered confidential.

F. The original and one copy of all correspondence, reports, work plans and other writings required under the terms of this ORDER to be submitted to EPA shall be sent by certified mail, return receipt requested to:

Chief, Site Investigation and Compliance Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Attention: GM Foundry Project Coordinator

Two copies of all such writings shall be transmitted by regular mail to:

Chief, Waste and Toxic Substances Branch
Office of Regional Counsel
U.S. Environmental Protection Agency
Room 437
26 Federal Plaza
New York, New York 10278

Attention: GM Foundry Attorney

Two copies of all such writings shall be transmitted by certified mail, return receipt requested to:

Director, Division of Solid and Hazardous Waste
New York State Department of Environmental
Conservation
Room 207
50 Wolf Road
Albany, New York 12233

25. EPA Communications and Decisions

A. Written communications from EPA to GM shall be sent by certified mail, return receipt requested to:

Leonard F. Charla, Esq.
Energy & Environmental Legal Staff
General Motors Corporation
General Motors Building
3044 West Grand Boulevard
Detroit, Michigan 48202

One copy of all such correspondence shall be transmitted by regular mail to:

David P. Fayette
Senior Environmental Engineer
Central Foundry Division
General Motors Corporation
P.O. Box 460
Massena, New York 13662

B. All decisions of EPA under this ORDER, including approvals; disapprovals; grants or denials of requests for extensions of time; and requests for modifications of reports, work plans, specifications schedules and other work outputs will be communicated in writing to GM by the Chief, Site Investigation and Compliance Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

C. No informal advice, guidance, suggestions or comments by EPA or NYSDEC regarding reports, plans, specifications, schedules or any other writing submitted by Respondent shall be construed as relieving GM of its obligation to obtain such formal approvals as may be required by this ORDER.

26. Respondent's Facility Coordinator
and EPA Inspection Authority

A. Within 15 days of the effective date of this ORDER, GM shall provide EPA with the name, title, address, phone number and qualifications of its designated Facility Coordinator, who shall be responsible for oversight of the implementation of this ORDER, including all activities required herein. The Facility Coordinator shall have technical expertise sufficient to adequately oversee all aspects of the work contemplated by this ORDER. All correspondence and other writings from EPA to GM shall be made available to the Facility Coordinator. Counsel for GM shall not be eligible to be Facility Coordinator. GM shall have the right to change its Facility Coordinator at any time. However, GM shall notify EPA in writing at least seven (7) days prior to any such change. If such advance notice is not feasible, notice shall be given by the best means and as far in advance as possible under the circumstances.

B. EPA and EPA's representatives, including but not limited to their employees, agents, contractors and consultants, shall have authority and shall be permitted to enter and move freely about the site and any other premises upon which work under this ORDER may be performed ("other premises") at all reasonable times, including but not limited to any time that work is being carried out pursuant to this ORDER. EPA shall limit the number of EPA representatives to ten (10) at any one time unless prior notice is given to GM. Respondent shall forthwith honor all requests for access by EPA or EPA's designated representatives, and also, at reasonable times, shall permit such persons to inspect and copy all writings, including all data, in any way pertaining to work undertaken pursuant to this ORDER. Notwithstanding the above, EPA hereby retains all its inspection authority under CERCLA and the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. NYSDEC and its designated representatives, as well as any EPA contractor and its representatives, shall be eligible to be designated representatives of EPA under this Paragraph.

C. GM shall not interfere with EPA access to the facility property. Further, to the extent practicable GM shall support and assist EPA in obtaining access to premises off-site of the facility property, and shall similarly support and assist EPA in exercising its inspection and other authority under this provision

including, but not limited to review and copying of records.

27. Enforcement Actions

A. In the event that Respondent fails to adhere to any requirement of this ORDER; or, notwithstanding compliance with the terms of this ORDER, upon the occurrence or discovery of a situation as to which EPA would be empowered to take any further response action, including but not limited to an immediate removal, planned removal, and/or interim remedial action; or in the event of a release or threatened release not addressed by this ORDER; or upon the determination that action beyond the terms of this ORDER is necessary to abate an imminent and substantial endangerment to the public health or welfare or the environment that may be posed by this facility; or under any other circumstances authorized by law and not inconsistent with terms of this ORDER, EPA may, after notice to Respondent, institute Federally-funded response activities and subsequently pursue cost recovery actions available, and/or EPA may issue orders to Respondent pursuant to available statutory authority.

B. EPA reserves its right to bring an action against Respondent pursuant to Section 107 of CERCLA, 42 U.S.C. §9607, for recovery of any costs incurred in oversight of GM's implementation of this ORDER, and any other costs incurred by EPA in connection with investigative or response activities at the site (to include all costs associated with EPA's performance of the RI/FS or any part thereof, in the event that GM fails to complete the RI/FS in conformance with the requirements of this ORDER).

C. Respondent is advised that willful violation or failure or refusal to comply with this ORDER, or any portion thereof, may subject it to a civil penalty of not more than \$5,000 for each day in which violations occur or such failure to comply continues. Failure to comply with this ORDER, or any portion hereof, without sufficient cause, may also subject Respondent to liability for punitive damages in the amount of three times the total of all costs incurred by the government as a result of Respondent's failure to take proper action.

D. If Respondent fails to conform with the requirements set forth in Paragraph 23 of this ORDER by the time periods specified therein, and such failure is not excused under the provisions set forth in Paragraph 29.H. below, GM shall make payments to the EPA in the amount indicated below for each day of noncompliance:

<u>Days After Required Date</u>	<u>Stipulated Penalties</u>
1-22	\$ 500 for each day
23-45	\$ 1000 for each day
greater than 45	\$ 1500 for each day

Payment of such stipulated civil penalties shall be made by delivery of a cashier's or certified check payable to the "Hazardous Substances Response Trust Fund". Such payment shall be tendered by the 25th day of the following month to the following address: EPA - Superfund, P.O. Box 371003M, Pittsburgh, Pennsylvania 15251. A letter describing the basis for the penalties shall accompany the payment; a copy of the letter shall be sent to the Chief, Site Investigation and Compliance Branch, EPA, Region II.

28. Reimbursement

A. During 1984, the EPA Contractor, NUS Corporation, developed a Work Plan which provides a detailed scope of work and technical approach to perform the RI/FS at the GM site.

B. Within thirty (30) days of the effective date of this ORDER, Respondent shall reimburse the United States in the amount of \$47,000, for costs incurred in the development of the Work Plan for this site, in the form of a certified check made payable to the "Hazardous Substance Response Trust Fund", pursuant to Section 107 of CERCLA, 42 U.S.C. §9607. A letter of explanation shall accompany the payment; a copy of the letter shall be sent to the Chief, Site Investigation and Compliance Branch.

C. At the end of each year, EPA shall submit to the Respondent an accounting of all response and oversight costs incurred by the U.S. Government with respect to this Consent Order. This amount is not to exceed \$125,000 per annum. EPA reserves its right to seek any excess from GM. The Respondent shall, within 30 days of receipt of that accounting, remit a check for the amount of those costs made payable to the "Hazardous Substance Response Trust Fund". Checks should specifically reference the identity of the site and be sent to the address in Paragraph 27.D. above. A letter of explanation shall accompany the payment; a copy of the letter shall be sent to the Chief, Site Investigation and Compliance Branch.

29. General Provisions

A. This ORDER, after it has been signed by GM and the EPA Regional Administrator, shall be effective on the date it is received by GM under 25. A. of this ORDER.

B. All work conducted pursuant to this ORDER shall be performed in accordance with prevailing professional standards.

C. All actions performed by Respondent in implementing this ORDER shall be in compliance with all applicable federal, state, and local laws and regulations, including but not limited to 40 CFR, Part 300. GM shall be responsible for obtaining all necessary permits, licenses and other authorizations.

D. The Work Plan, Site Operations Plan, the RI Report and the Draft FS Report, in addition to all other reports, work plans and other writings required under terms of this ORDER, upon approval by EPA, are incorporated into this ORDER.

E. Neither the United States Government nor any agency thereof shall be liable for any injuries or damages to persons or property resulting from acts or omissions of Respondent, its officers, directors, employees, agents, servants, receivers, trustees, successors, or assignees, or of any persons, including but not limited to firms, corporations, subsidiaries, contractors or consultants, in carrying out activities pursuant to this ORDER, nor shall the United States Government or any agency thereof be held out as a party to any contract entered into by Respondent in carrying out activities pursuant to this ORDER.

F. This ORDER shall apply to and be binding upon Respondent and Respondent's officers, directors, employees, agents, servants, receivers, trustees, successors, and assignees and upon all persons, including but not limited to firms, corporations, subsidiaries, contractors, and consultants, acting under or for Respondent.

G. Nothing contained in this ORDER shall affect any right, claim, interest, defense, or cause of action of any party hereto with respect to third parties.

H. Respondent's activities under this ORDER shall be performed within the time limits set forth herein unless performance is delayed by events which constitute a force majeure. For purposes of this ORDER, a force majeure is defined as any event arising from causes beyond Respondent's control. Financial considerations of Respondent shall not be considered circumstances beyond the control of Respondent. In the event of a force majeure Respondent shall be obligated to perform the affected activities within a time period which shall not exceed the time period of the delay attributed to the force majeure, provided, however, that no deadline shall be extended beyond a period of

time that is reasonably necessary. In the event that there is a dispute as to whether or not any delay results from circumstances beyond the control of Respondent, the burden of proof shall lie with the Respondent. Respondent shall verbally notify EPA's designated representative as soon as possible following Respondent's awareness that circumstances constituting a force majeure have occurred or are likely to occur. If the designated representative cannot be contacted, GM shall attempt to leave a message at his or her office and shall immediately proceed to notify the EPA Project Coordinator by phone. In addition, GM shall notify EPA in writing, over the signature of a responsible official of GM, as soon as possible but not later than seven (7) days after Respondent becomes aware that circumstances constituting a force majeure have occurred. Such written notice shall be accompanied by all available pertinent documentation, including but not limited to third-party correspondence, and shall contain the following: 1) a description of the circumstances, and GM's rationale for interpreting such circumstances as being beyond GM's control; 2) the actions (including pertinent dates) that GM has taken and/or plans to take to minimize any delay; and 3) the date by which or the time period within which GM proposes to complete the delayed activities. GM's failure to timely notify EPA as required by this subparagraph shall render the remaining provisions of this subparagraph null and void insofar as they may entitle GM to an extension of time.

I. GM shall use its best efforts to avoid or minimize any delay or prevention of performance of its obligations under this ORDER. GM shall provide written notification to EPA of any circumstances which have caused or which GM believes is likely to cause a delay of performance. Such written notice: 1) shall be provided as soon as possible, but not later than fourteen (14) days after the date when GM knew or should have known of the occurrence of such circumstances; 2) shall be accompanied by all available documentation, including but not limited to third-party correspondence; and 3) shall include a) a description of the circumstances causing or potentially causing the delay; b) the actions (including pertinent dates) that GM has taken and/or plans to take to minimize any delay; and c) the date by which or time period within which GM proposes to complete delayed activities.

J. The Respondent shall ensure that EPA personnel are allowed access to the laboratory utilized by the Respondent for analysis of samples collected pursuant to this ORDER.

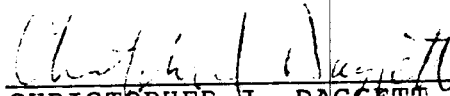
K. GM agrees not to make any claims pursuant to Section 112 of CERCLA, 42 U.S.C. §9612, directly or indirectly against the "Hazardous Substance Response Trust Fund" established by that Act for expenses related to this ORDER.

30. Termination and Satisfaction

The provisions of this ORDER shall be deemed satisfied upon the Respondent's receipt of written notice from EPA that the Respondent has demonstrated, to the satisfaction of EPA, that all of the terms of this ORDER, including any additional tasks which EPA has determined to be necessary, have been completed.

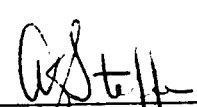
IT IS SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY


CHRISTOPHER U. DAGGETT
Regional Administrator
U.S. Environmental Protection Agency
Region II


DATE

GENERAL MOTORS CORPORATION


A. K. Steffe
Plant Manager
Central Foundry Division - Massena Plant
General Motors Corporation


DATE